

## AMENDED APPLICATION

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATEDDate of filing in State Engineer's Office JUN 13 2005Returned to applicant for correction JUL 12 2005Corrected application filed SEP 09 2005Map filed SEP 09 2005

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The applicant **Homestake Mining Company, Ruby Hill Mine** hereby make application for permission to change the **point of diversion and manner of use for a portion** of water heretofore appropriated under **permit 62028**

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1. The source of water is **underground**
2. The amount of water to be changed **0.7 cfs, not to exceed 42 acre-feet per year**
3. The water to be used for **mining, milling, and domestic (same as permit 62028) and dewatering**
4. The water heretofore permitted for **mining, milling, and domestic**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 10, T 19 North, R 53 East, MDB&M at a point from which the S $\frac{1}{4}$  corner of said Sec. 10 bears S. 76 degrees 24 minutes W a distance of 2,172 feet**
6. The existing permitted point of diversion is located within **Lot 4, NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 32, T 20 North, R 53 East MDB&M at a point from which the NW corner of said Sec. 32 bears N. 57 degrees 28 minutes West a distance of 560 feet**
7. Proposed place of use **Within the W $\frac{1}{2}$  Sec. 2, Sec. 3, E $\frac{1}{2}$  Sec. 4, NE $\frac{1}{4}$  Sec. 9, Sec. 10, W $\frac{1}{2}$  Sec. 11, NW $\frac{1}{4}$  Sec. 14, and the N $\frac{1}{2}$  Sec. 15, all within T 19 North, R 53 East, MDE&M (same as permit 62028)**
8. Existing place of use **Within the W $\frac{1}{2}$  Sec. 2, Sec. 3, E $\frac{1}{2}$  Sec. 4, NE $\frac{1}{4}$  Sec. 9, Sec. 10, W $\frac{1}{2}$  Sec. 11, NW $\frac{1}{4}$  Sec. 14, and the N $\frac{1}{2}$  Sec. 15, all within T 19 North, R. 53 East, MDE&M**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Well, submersible pump, and pipeline to place of use as described in items 7 & 8 above**
12. Estimated cost of works **\$150,000**
13. Estimated time required to construct works **approximately 2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: Place of use is unchanged from permit 62028. Proposed new point of diversion is for new well to continue providing water for mine needs and that is closer to mine operations and provides additional benefit of assisting in dewatering of mining area. Water used pursuant to this water right and other water rights owned or leased by Homestake will be comingled, rotated, and accumulated to make the most efficient use of water rights.

By Stephen J. Brower, General Manager  
s/ Stephen J. Brower  
Homestake Mining Company, Ruby Hill Mine  
P.O. Box 676; Eureka, NV 89706

Compared hk/sam lt/ gkl

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 62028 is issued subject to the terms and conditions imposed in said Permit 62028 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit will allow the permittee to remove water from a dewatering well for a mining project. It is understood that any water pumped from the well as a result of this operation will be used first by the permittee for mining, milling, domestic, dewatering and other related mining uses within the described place of use of this permit.

The total combined duty of water under Permits 71234, 72917, 72918, 73204, 73431, 73432 and Temporary Permits 74680T, 75106T and 75108T shall not exceed 1065.452 acre-feet annually.

Monthly records will be kept of the following: the amount of water pumped from the mine; the amount of water used for mining, milling and domestic purposes; the amount of water sent to the Rapid Infiltration Basin discharge system or other authorized discharge system; and the estimated amount of water recharged to the groundwater system. These records must be submitted to the State Engineer on a quarterly basis, within 15 days after the end of each calendar quarter. A method that estimates the amount of evaporative losses from the discharge system will be submitted with the monthly report. The evaporative losses will be considered as a part of the duty for consumptive purposes.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

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The State Engineer retains the right at any time to require the permittee cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted and reported on the quarterly report. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from the State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering discharge project.

This permit is issued with the understanding that no secondary applications will be issued on any water not infiltrated or injected.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.7 cubic feet per second, but not to exceed 42.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

February 28, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

February 28, 2010

Map in support of proof of beneficial use shall be filed on or before:

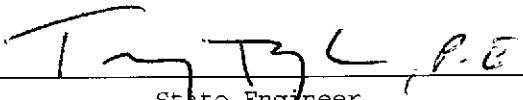
N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 28th day of February, A.D. 2007

  
State Engineer

Completion of work filed MAR 21 2008

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_